

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT RANGEL,

Plaintiff,

v.

No. CIV 15-0731 LAM/GBW

**RAYMOND SMITH, FNU WILMETH,
FNU COLLINS, CITY OF HOBBS POLICE
DEPARTMENT, and LEA COUNTY
SHERIFF'S DEPARTMENT,**

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. Plaintiff filed his Complaint in this case on August 21, 2015. [*Doc. 1*]. Although counsel for Defendants Smith and City of Hobbs Police Department have entered their appearances (*see Doc. 10*), the record does not reflect that these Defendants have filed an answer. In addition, it does not appear that service has been effected on Defendant Wilmeth. Under the Local Rules of this Court, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” D.N.M. LR-Civ. 41.1. In addition, Federal Rule of Civil Procedure 4(m) provides in part that “[i]f a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”

IT IS THEREFORE ORDERED that, **within thirty (30) days of the entry of this Order**, this case will be dismissed without prejudice as to Defendants Smith and City of Hobbs

Police Department unless Plaintiff shows good cause for failing to move the case forward as to these Defendants.

IT IS FURTHER ORDERED that, **within thirty (30) days of the entry of this Order**, this case will be dismissed without prejudice as to Defendant Wilmeth unless Plaintiff either effects service as to this Defendant or provides the Court with a written explanation showing good cause why service has not been made.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE